



Strasbourg, 15 September 2006

**MONEYVAL (2006) 17 rev**

**EUROPEAN COMMITTEE ON CRIME PROBLEMS  
(CDPC)**

**COMMITTEE OF EXPERTS ON THE EVALUATION  
OF ANTI-MONEY LAUNDERING MEASURES  
(MONEYVAL)**

**MEETING REPORT**

**of the 19<sup>th</sup> Plenary meeting**

**Strasbourg, 4 – 7 July 2006**

**NOTE:** In accordance with the Council of Europe recent practice, meeting reports are public documents. The contact details do not appear anymore in the list of participants.

Secretariat Memorandum  
prepared by  
the Directorate General of Legal Affairs DG I

## EXECUTIVE SUMMARY

During its 19<sup>th</sup> Plenary meeting, held in Strasbourg from 4 to 7 July 2006, the Committee MONEYVAL:

- Welcomed the decision of the FATF in June to grant the Council of Europe, represented by MONEYVAL, associate member status in FATF and agreed broad arrangements for the representation of MONEYVAL delegations in FATF plenary meetings
- Discussed and adopted the 3<sup>rd</sup> round mutual evaluation report on Albania and its draft summary
- Heard progress reports from Georgia, San Marino and Ukraine
- Heard reports back from Armenia and Azerbaijan and Moldova under the Compliance Enhancing Procedures
- agreed to maintain Step 1 of the Compliance Enhancing Procedures in respect of both Armenia and Azerbaijan and invited them to report back to the 21<sup>st</sup> Plenary between 27 November – 1 December
- Heard a report from Moldova in the light of the letter the Chairman had written to the Secretary General of the Council of Europe after the last plenary, drawing his attention to concerns about recent legislation limiting the suspicious transaction reporting regime to domestic persons
- Agreed to lift Compliance Enhancing Procedures on this issue in respect of Moldova in the light of the repeal of the relevant legislation
- Held an exchange of views on possible items for discussion in the joint plenary with FATF to be held in Strasbourg in February 2007
- Discussed MONEYVAL's response to the FATF paper on quality and consistency of AML/CFT assessments and entrusted the Secretariat to communicate its views to FATF
- Discussed the FATF's current *tour de table* proposals on international cooperation issues and invited the Chairman to write to the President of FATF on this issue
- Held further discussions on the 3<sup>rd</sup> round mutual evaluation report on Moldova and agreed to prepare a questionnaire covering further issues which experts considered need further clarification and consider arranging an updating mission in the light of the responses before submitting a revised report to the Plenary
- Heard information on anti money laundering issues in other fora
- Heard information on AML/CFT issues in other MONEYVAL countries
- Agreed, subject to minor changes, the Secretariat's proposals for 3<sup>rd</sup> round progress reports
- Agreed that at the 20<sup>th</sup> Plenary meeting the 3<sup>rd</sup> round reports of Slovakia and Latvia would be considered and progress reports would be received from Serbia, Slovenia and Hungary.

## **INTRODUCTION**

1. MONEYVAL held its 19<sup>th</sup> Plenary meeting at the Council of Europe in Strasbourg from 4 to 7 July 2006, under the Chairmanship of Dr Vasil KIROV (Bulgaria).
2. The list of participants is appended to this report (Appendix I).

## **SUMMARY ACCOUNT OF THE PROCEEDINGS**

### **Items 1 and 2 – Opening of the plenary meeting and adoption of the agenda**

3. The meeting was opened by the Chairman following which the Committee adopted the agenda as it appears in Appendix II.

### **Item 3 – Information from the Chairman – Bureau meeting and Chairman's attendance at FATF Plenary**

4. The Chairman welcomed the Eurasian Group (EAG) as a new observer to the Committee. He reported on specific issues from the last Bureau meeting, which was held in Strasbourg on 31 May 2006 and for which there was a report, which was available as a Room document. In particular, the Bureau discussed the difficulties of the Secretariat to recruit examiners for missions. Recently an on-site visit had to be postponed due to the unavailability of the examiners during the set dates.
5. The Bureau had recommended that the responsibilities in this regard of the Heads of Delegation (HoD) should be strengthened. Accordingly, HoDs were invited to nominate trained evaluators, who would be willing to participate in the forthcoming missions to the Principality of Monaco (working language: French) and “the former Yugoslav Republic of Macedonia” (working language: English).
6. Furthermore he informed the Committee that the FATF, at its Plenary meeting in Paris in June, had accepted the Council of Europe application for FATF associate membership status. This should strengthen the co-operation between MONEYVAL and the FATF.

Item 4 – Information from the Secretariat

7. The Secretariat informed that on 1 July 2006 Mr Christophe Speckbacher left the MONEYVAL Secretariat, though members will still see Mr Speckbacher as he has several MONEYVAL reports to complete. He is replaced by Ms Livia Stoica-Becht. The Secretariat also announced that the Austrian Ministry of Justice has seconded Mr Gerhard Mild, a judge from Austria, to MONEYVAL.
8. The Secretariat provided information on the Chairman's and Secretary's attendance at the last FATF Plenary meeting (Paris, 20-23 June 2006):
  - the FATF discussed *inter alia* future FATF enlargement issues. These issues will be comprehensively reviewed by an Ad Hoc Group on Membership issues. They will look at the institutional consequences of any further enlargement, including the impact on the FATF of granting associate member status to some FSRBs and present an interim report in June 2007 and a final report in 2008.
  - An important issue at this FATF Plenary meeting was ways to enhance the consistency and quality of Mutual Evaluation Reports by all assessment bodies (see Item 11).
  - The FATF decided to remove Nigeria from its list of non co-operative countries and territories (NCCT-list); for the time being only Myanmar remains on the NCCT-list.
  - The FATF published a first Typologies report arising from last year's Typologies exercise on Trade Based Money Laundering, which is now available on the FATF website. It intends to publish 2 or possibly 3 more reports by the end of the year.
  - There was a discussion about the on-going FATF/APG Project on the links between AML/CFT and the fight against corruption. A small change to the introduction to the Methodology was proposed and agreed as were the terms of an FATF research project. It had been emphasised that FATF did not want to overlap with the work on corruption of other bodies (like GRECO).
9. The Secretariat informed the plenary that the "window" within which MONEYVAL has to complete reports and to prepare the ROSCs when MONEYVAL work is to be used by the IMF/World Bank in their processes can be extended from one year to 18 months in the light of the IMF Board's recent decision. Mr Donovan returned to this issue (see Item 15).
10. The Secretariat introduced the Room Document setting out the revised schedule of MONEYVAL activities until the end of the year, and thanked those Heads of Delegations who had responded to the Secretary's e mail of 20 June seeking nominations for evaluators for later this year. If there were other nominations for missions in 2006, Heads of Delegation were asked to speak with the Secretariat during the week. The Committee took note of the revised schedule of MONEYVAL activities.

Item 5 – Associate Membership of FATF

11. The Secretariat provided information about the consequences of the associate membership status of the Council of Europe to the FATF. It was pointed out that the Committee of Ministers had authorised the Secretary General to make the application on behalf of the Council of Europe as MONEYVAL has no legal personality. As a result of this associate membership status, all member States of MONEYVAL will have access to all FATF documentation.
12. Furthermore, MONEYVAL is now in the position to send a larger delegation to FATF plenary meetings. The delegation will be under the co-ordination of the Council of Europe; the costs for the attendance of the delegates will have to be borne by their authorities. The Secretariat explained that this extended delegation can consist of up to 5 countries and that the Bureau had had a preliminary discussion about the possible composition of this delegation.
13. In order to achieve a level of continuity, the Bureau propose that, in addition to the Chair and the Secretariat, which are automatically entitled to participate in these meetings, in the first instance, (subject to resources and availability) Bureau countries should attend these meetings. As the Vice-Chairman is a member of the FATF Russian delegation he takes part in these meetings, and therefore need not take up one of the MONEYVAL places. Consequently if three Bureau countries attend one or two extra person(s) from non Bureau countries would in principle be able to participate in FATF plenaries. The next FATF Plenary will take place from 9 – 13 October 2006 in Vancouver/Canada.
14. The Plenary adopted the Bureau's proposal. Delegations which are interested to attend FATF meetings were invited to notify the Secretariat by the end of July.

Item 6 – Joint Plenary with the FATF

15. The Secretariat informed that this joint Plenary meeting will take place in the hemicycle of the Council of Europe from 19-23 February 2007 and that the Bureau had already had a preliminary discussion on possible items for the agenda to be proposed to FATF. To make it a truly joint Plenary, it was considered by the Bureau that 2 reports (one from the FATF, one from MONEYVAL) should be discussed during the joint meeting. There was no objection to this proposal of the Bureau.
16. A Secretariat paper had been circulated with some early proposals for other topics for discussion at the joint Plenary. The paper included a proposal that there should be a focus on our core function (evaluation) with a presentation of the latest horizontal review of progress in MONEYVAL countries as at the end of the Second Round. This Report is due to be ready by the end of the year. This introduction could lead into reflections on the 3<sup>rd</sup> Round so far under the new Methodology, including early findings, experiences with the processes and

practicalities of using the new Methodology by both FATF and MONEYVAL examiners, a discussion of problem areas thrown up in the recent evaluations, and possible implications for revisions of the Methodology. The debate could be then widened to cover implementation issues – particularly the speed with which countries are expected to comply with the 2003 Recommendations, as interpreted in the 2004 Methodology. The legal scientific expert also proposed a further topic – a structured discussion, with input from GRECO, UNODC, and the G8 Presidency on laundering and the confiscation of the proceeds from corruption (to include a discussion on procedures for the repatriation of plundered assets) as this is likely to become topical in the near future. There were no objections to these two broad proposals, which could be discussed with FATF. In relation to the second proposal, several interventions supported an invitation to GRECO to take part in the discussions. Additional suggestions included the possibility of a technical exchange of experiences on the functions and working methods of the new expert groups reviewing reports before plenary discussions both in FATF and MONEYVAL, and consideration of ways in which these processes could be enhanced. Views were expressed that in the preparation of the agenda, careful attention should be paid to avoid topics which have already been discussed in other international fora.

#### Item 7 – Presentation of Interpretative Note to Special Recommendation VIII

17. A representative from the FATF gave brief information about the recently issued Interpretative Note (IN) to Special Recommendation (SR) VIII. It was pointed out that this Recommendation is a quite difficult one and that it was the first one to be the subject of additional guidance via a Best Practice Paper. The objective of SR VIII is to ensure that Non-profit organisations (NPOs) are not misused for financing of terrorism. When the aforementioned Best Practice Paper was issued, it was the best that could be done, but it was not still absolutely clear how to deal with these issues. After further reflection and the experience of a few reports, the FATF were in the position to reconsider SR VIII. The IN to SR VIII was issued at the Cape Town Plenary. It included more detailed guidance and *inter alia* it modified the definitions of beneficiary and NPOs. Furthermore the outreach of countries to the NPO sector should be strengthened. This IN will be soon incorporated in the new methodology.

#### Item 8 – Evaluator Training

18. The Secretariat invited the HoD to check the circulated list of evaluators nominated for training and (eventually) to identify further potential suitably qualified examiners to be nominated, and advise the Secretariat.

Item 9 – Examiners’ Guide - updating

19. The Secretariat informed the Plenary that in 2007 a further MONEYVAL training seminar is planned to take place.
20. Furthermore the training modules for evaluators have been recently updated (hard copies were circulated on this occasion). They will soon be available on the MONEYVAL restricted website and can be used as distance learning aids. To keep these evaluation reference documents up to date, it should be sufficient in the future to inform the Heads of Delegation of changes and supply them with electronic versions for HoD to pass them to the evaluators in their jurisdictions.
21. Finally, the Plenary was informed that the data on the website will be regularly updated.

Item 10 – Dialogue with the private sector – Discussion as to feasibility and content

22. The Plenary discussed the possibility of a dialogue with the private sector by MONEYVAL with MONEYVAL jurisdictions. The FATF had conducted an exercise in 2005 and had encouraged FSRBs to consider similar exercises within their regions. Recent evaluations have shown that there needs to be more outreach to designated non financial businesses and professions (DNFBP). It was agreed that there is a need for further contact and dialogue with the private sector on the international standards. It was agreed that consideration should be given to utilising one day at a forthcoming plenary meeting for such an exercise with DNFBP.

Item 11 – Quality and consistency of AML/CFT assessments and FATF paper on effectiveness issues for the June Plenary – MONEYVAL discussion

23. The Secretariat informed that the FATF had at its latest Plenary meeting in June a considerable discussion on an FATF paper on actions to be taken to enhance the quality and consistency of AML/CFT evaluations. One possible action, which had not been agreed in the FATF Plenary as yet, was a proposed FATF procedure to review significantly deficient reports prepared by other assessor bodies, which would include the possibility of representations to the assessor bodies as to improvements which should be made by them to a report. The FATF paper had been circulated to members of the Committee.
24. The FATF paper contemplated the reopening of discussions on adopted reports. The FSRBs had requested time to consult their members and this had been agreed. The issue would be returned to at the Vancouver Plenary in October.

25. It was pointed out that, at this meeting, GAFISUD had drafted a proposed amendment to the paper (the text of which was also circulated to the MONEYVAL Committee). This proposal suggested that the FATF could in such circumstances make recommendations to the assessor body for the future, rather than inviting them to reopen a report.
26. The Committee had a broad discussion on this matter. It concluded that MONEYVAL is fundamentally opposed to any FATF process which seeks to reopen a report which had been adopted by a sovereign FSRB, and that the relevant paragraphs in the paper should be deleted. If, despite these concerns, the FATF still consider that there is a need for such a procedure to be in place now, then MONEYVAL could support the GAFISUD proposal as the least worst solution. The Plenary agreed that the Secretariat should convey these views to the FATF.

Item 12 – Presentation on Council of Europe Convention on Laundering, Search Seizure and Confiscation of the Proceeds from crime and on the financing of terrorism – CETS No. 198

27. Mr. Herbert Laferla and Prof. William Gilmore gave a presentation on the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198). The structure of this Convention was explained and it was pointed out that consistency of the Convention with the 2003 FATF Recommendations was a crucial guiding principle in the negotiations. The Convention provides a definition of Financial Intelligence Units (FIUs), covers the work of FIUs and co-operation between the different domestic FIUs. Art. 10 of the Convention introduces an obligation for member states to ensure that legal persons engaging in money laundering practices can be held liable (liability could be criminal, administrative or civil in nature). In Chapter II of the Convention the financing of terrorism is incorporated. The definition of financing of terrorism is directly linked to Article 2 of the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism.
28. The Secretariat informed that the Convention is open for signature by the member States of the Council of Europe, the European Community and non-member States which participated in its elaboration. It will enter into force after 6 ratifications, of which at least four must be member States of the Council of Europe. For the time being 22 States had signed the Convention. None have ratified it yet.



### Item 13 – Typologies

29. The Bureau had discussed holding a Typologies Workshop in 2007, and countries were invited to inform the Secretariat if they would be prepared to host a workshop. In this context, the Committee discussed setting up a Typologies Working Group. The representative from the FATF pointed out that such a group could very much improve the work of a committee. The Plenary discussed if such a group should be set up on a permanent basis or on an ad hoc basis. Working methods within such a group were discussed, whether meeting regularly would be necessary or if it could work “on line” (via email, Internet etc).
30. The President proposed that the Secretariat should elaborate proposals for such a working group. On the second day, the Plenary received for consideration proposed terms of reference. The proposal envisaged that a Working Group would consist of up to 6 representatives of MONEYVAL, with a Bureau member overseeing its work and chairing it, its composition changing on an annual basis. Its key responsibilities would include: a) proposing the typologies topic(s) for 2007 (initially); b) proposing detailed objectives of the Typologies exercise in 2007; c) planning the format of the exercise and the programme; d) overseeing the production of the final report; e) making proposals for on-going typologies research. The group would work primarily on line between plenary meetings and report to the Plenary on its progress.
31. The Plenary endorsed the proposed terms of reference. The Typologies Working Group is expected to start its work after the joint FATF/ MONEYVAL meeting, under the chairmanship of Mr Robert Typa (Poland). Delegations were invited to submit nominations for the working group.

### Item 14 – Information from the European Union

32. Mr Sebastiano TINÉ informed the Plenary that the EU Commission has drafted a proposed Directive laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council regarding the definition of “politically exposed persons” and the technical criteria for simplified customer due diligence procedures, and for exemption on the grounds of a financial activity being conducted on an occasional or very limited basis.

### Item 15 – Information concerning anti money laundering initiatives in other fora

#### *European Bank for Reconstruction and Development (EBRD)*

33. A written report from EBRD was circulated.

#### *Egmont Group*

34. The process of institutionalisation of the Egmont Group had continued at its recent Plenary meeting in Cyprus (June 2006). It was decided that a permanent Secretariat will be established in Canada; furthermore, a general agreement for a budget was achieved. At this meeting, decisions on new membership applications were postponed.

*International Monetary Fund (IMF)*

35. The IMF Board had approved proposals for ongoing burden-sharing arrangements with FATF/FSRBs. All FSAPs, FSAP-updates, and OFC assessments will continue to require coverage of AML/CFT, but there will be greater flexibility in obtaining the relevant findings. Where FATF/FSRB mutual evaluation reports are available, the Board of the IMF approved an extension to include evaluations conducted within 18 months before or after the relevant FSAP or OFC assessment mission.
36. The IMF had had some organizational changes and decided to centralize its AML/CFT activities within the Legal Department, which will send one observer to future MONEYVAL plenaries. The AML/CFT function has been reorganized into dedicated regional teams, and a team of three specialists will deal with countries in Europe and Central Asia. The current range of AML/CFT services offered by the Fund is unchanged, and will continue to include AML/CFT assessments and the provision of technical assistance (e.g. reviewing the AML/CFT legal framework, including drafting and updating of AML and CFT laws; FIU development; advising central banks and regulatory authorities on implementation of effective AML/CFT measures; regional and country-specific training courses - including of FIU staff, law enforcement, and supervisors; and awareness raising for parliamentarians). To receive technical assistance from the IMF, members should contact Terry Donovan, who will advise on next steps. As the IMF is currently planning its mission schedule for the coming months, early application was advised.
37. An IMF team is currently completing the AML/CFT assessment of Latvia, in conjunction with MONEYVAL's Chairman, who is addressing matters arising under the EU Directives. This report will be presented to the September Plenary of the MONEYVAL Committee.

*United Nations Office on Drugs and Crime (UNODC)*

38. The UNODC had developed a “Mutual Legal Assistance Request Writer Tool”, which should help to draft effective requests. It was designed to be very user-friendly and can be used for all serious offences in a state; the workflow chart comprises all the necessary steps that have to be taken by practitioners when drafting a mutual legal assistance request with the MLA Tool (this tool can be downloaded from the internet at <http://www.unodc.org/mla/index.html>).

The UNODC newsletter is now also distributed by e-mail; contributions to this newsletter are welcomed.

*Item 16 – Progress reports*

39. The Plenary heard presentations from the delegations of Georgia, San Marino and Ukraine and discussed latest developments in the light of the written progress reports submitted by these countries.

*Item 17 and 25– Compliance enhancing procedures – reports back from Armenia, Azerbaijan and Moldova after the last plenary discussion*

40. The Secretariat recalled that the MONEYVAL Committee agreed at its 18<sup>th</sup> Plenary meeting (31 January to 3 February 2006) that further monitoring should be undertaken if a jurisdiction, after further review and consultation, still had five or more “partially compliant” or “non-compliant” assessments. In addition, the Committee accepted the Bureau’s conclusions that Armenia had 3 “partially compliant” and 2 “non-compliant” and Azerbaijan had 6 “partially compliant” and 2 “non-compliant” ratings. Accordingly, the Committee had decided to invoke Step 1 of its Compliance Enhancing Procedures, which requires a non-complying member to provide a report or regular reports on its progress in implementing the reference documents.
41. In the margins of this Plenary, the Bureau had a meeting with the delegations from Armenia and Azerbaijan, which presented the recent developments of their jurisdictions in the AML/CFT field since the last plenary meeting.

*Armenia*

42. The Bureau was informed that Armenian authorities recently elaborated draft legal amendments. Considering that the draft legal amendments did not yet come into force and consequently there had been no relevant change to the AML/CFT situation in Armenia, the Bureau concluded that the ratings have to remain unchanged.
43. The Committee agreed with these findings and accepted the proposal of the Bureau to maintain Step 1 of the Compliance Enhancing Procedures and to request Armenia to provide a report on its progress before the 21<sup>st</sup> Plenary of the MONEYVAL Committee (27 November -1 December 2006).

## *Azerbaijan*

44. With respect to the information given by the Azerbaijan authorities that currently the domestic system for taking provisional measures and confiscation has been changed, the Bureau came to the conclusion that the ratings in these categories could be changed.
45. The Committee accepted the proposal of the Bureau and decided to change all the ratings in the categories “Provisional Measures” (“partially compliant”), “property confiscation” (“partially compliant”) and “value confiscation” (“non compliant”) to “compliant”. As there still remained 4 “partially compliant” and 1 “non-compliant” ratings, it was decided to retain Step 1 of the procedures and to request that Azerbaijan also provides a report on its progress before the 21<sup>st</sup> Plenary of the MONEYVAL Committee.

## *Moldova*

46. The Chairman reported that after the last Plenary he had written to the Secretary General of the Council of Europe, drawing his attention to the Plenary’s decision to move immediately to Step 3 in the Compliance Enhancing Procedures as a result of the Committee’s concern over recent Moldovan legislation which confined making of suspicious transaction reports to domestic persons. The letter had been copied to the Head of the Moldovan Delegation. The Moldovan delegation reported back that the provision had been repealed since the last Plenary. The Bureau had seen a new version of the Law and was able to confirm that the provision causing concern had been repealed. In the light of this the Bureau recommended and the plenary agreed that the Compliance Enhancing Procedures on this issue should be lifted. It was noted that there were still matters which the Plenary would need to revert to in respect of issues under the 2005 Special Progress Report in the light of the outcome of the third round report, when it is adopted.

## *Item 18 and 19 - Discussion on the draft third mutual evaluation report on Albania*

47. The Secretariat introduced briefly the background of the on-site visit and the results of the informal discussions on the draft report, outlining the major changes to the report. He presented also the key comments submitted for consideration by the Consistency Review Group which focused on recommendations 1, 5, 25, effectiveness issues (R5 on account opening/ customer profile and CDD arrangements, R 22 in relation to the application of AML/CFT measures to foreign branches, R 25 on guidelines to the industry) R26, R28 and R32.
48. The Consistency Review Group provided for the first time its comments on a draft mutual evaluation report. Its expertise and advice were highly appreciated

and most comments were endorsed by the examiners. The latter's findings were briefly presented to the Plenary. The Albanian authorities took the floor and expressed their gratitude to the examiners as well as their commitment to take steps to solve the outstanding issues in a speedy manner.

49. The three intervener countries were: Azerbaijan, Cyprus and Bulgaria. In discussions on the draft Albania report, the interveners and the Plenary sought further clarification and information on the following issues:
- the hierarchy of legal norms in Albania
  - details on statistics in relation to money laundering (cases, convictions)
  - the use of MLA mechanisms in money laundering and terrorist financing cases
  - the prospects of amending article 305 of the Criminal Code
  - the liability of legal persons in relation to terrorist financing practices
  - the 'all-crime' approach adopted by Albania
  - further details on the confiscation procedure and the burden of proof
  - steps taken to clarify trust services provided by banks
  - the success rate of the National Committee on coordination of the fight against money laundering towards elimination of cash economy, illegal foreign exchange activity and for the control of cross-border assets movements
  - on-site check of compliance performed by GDPML inspectors and results
  - GDPML reports, the number of staff and tasks, the number of STR since the evaluation
  - The stage of cooperation of the GDPML with other supervisory institutions and interaction with self regulatory bodies
  - The corporate vehicle establishment procedure in relation to the criminal background of founders
  - bearer instruments and identification requirements.
50. As a result of the discussions, the draft report was amended so as to incorporate the relevant clarifications. The draft report and summary, as amended (and subject to consequential editorial changes by the Secretariat) were adopted.

Item 20, 23 and 24 - Information on AML/CFT initiatives in other MONEYVAL countries (tour de table)

51. Bulgaria: reported that Parliament adopted recently significant changes to the anti-money laundering law, in line with the FATF recommendations and the 3<sup>rd</sup> EU Directive. As a result, the FIU was given broader access to data, delays and formal obstacles being removed, new terms were established for banks to grant access to the FIU and the Office of the Prosecutor General was given access to banking secrecy data without court order in money laundering or organised crime cases. New structures to fight money laundering were set up within the Office of the Prosecutor General and Police. A second anti-money laundering conviction was obtained. Finally on July 3<sup>rd</sup>, a joint Instruction on co-operation between

police, the FIU and the Office of the Prosecutor General in investigations on money laundering was signed.

52. Bosnia and Herzegovina: informed the Plenary that experts took part in a number of training seminars on AML in Sarajevo and abroad. Between January and March 2006, the FIU received 7 requests from the Czech Republic, Romania, Interpol, Bolivia, Bermuda, Germany and Croatia. New software has been installed. Three agencies at State level for supervision of insurance companies has been set up and by the end of 2006, the State agency would also be in place.
53. Croatia: preparations for the 3<sup>rd</sup> evaluation round are underway. A CARDS twinning project with Austria on money laundering issues is on-going. Changes are envisaged to the article of the Criminal Code on confiscation.
54. Cyprus: there are no significant changes since the adoption of the report. At the end of May 2006, a proposal was put forward to the Council of Ministers for the appointment of the FIU as the supervisory authority for precious stones; however no decision had been taken yet. As of 15 June 2006, 5 new members of the FIU were appointed. Since the adoption of the report in February, a number of administrative orders were given by the FIU to banks for the suspension of transactions. Training seminars were also organised by the unit for lawyers and accountants.
55. Czech Republic: two significant changes occurred as of 1<sup>st</sup> of April 2006, namely the unified supervision over the financial sector under the umbrella of the National Bank became effective and the adoption of the Act on International Sanctions. The FIU celebrated on 1<sup>st</sup> July 2006 its 10<sup>th</sup> anniversary. Amendments to the AML and combating terrorism Act are being prepared to ensure the implementation of the 3<sup>rd</sup> EU Directive. It is expected that all banks will soon be connected to the FIU.
56. Estonia: in May 2006 the Government established a Commission on money laundering and terrorism financing. The Ministry of Justice is preparing a draft law aimed at developing the confiscation regime.
57. Hungary: on the basis of the IMF/MONEYVAL report of June 2005, the Government adopted an action plan to implement the various recommendations for improvements. Several compact studies were carried out, the development of the software is ongoing and the amendments to the Criminal Code are expected to be adopted in the second part of 2006. Three draft acts are being prepared for the signature and ratification of CETS No. 198, the ratification of the Palermo convention and protocol as well as for the implementation of the financial sanctions. Within the FIU, procedures were prepared on new electronic systems for suspicious reporting and trainings were organised. In 2005-2006, 4 confiscation orders were made.

58. Latvia: was evaluated in March 2006 by MONEYVAL and IMF. Legislation adopted in October 2005 which criminalised the failure to declare cash carried across the border is now in force. Declarations are mandatory for amounts above 10.000 Euros and the sanction is up to 5 years imprisonment. As of 1<sup>st</sup> April 2006, a full reversal of the burden of proof was introduced. At the end of 2005, the Council for the Prevention of Laundering of Proceeds adopted three priorities for the FIU, one of which being the freezing of assets deriving from criminal activities. In 2005, up to 5 million Euros were frozen. Since 2006, 46 orders were passed for an amount of 7.5 million Euros. 6 convictions for money laundering were also obtained.
59. Liechtenstein: reported on-going work on a draft law on the Criminal Code for the implementation of the 3<sup>rd</sup> EU Directive and the Palermo convention, as well as draft laws on the abuse of financial market and insider trading and international sanctions.
60. Lithuania: since the evaluation in January 2006, no major changes occurred. The FIU prepared a draft law on the prevention of money laundering implementing the 3<sup>rd</sup> EU Directive which is in final stages of preparation.
61. Malta: reported that the Government applied for FATF membership. The Joint Committee on money laundering, established to examine the implementation of the 3<sup>rd</sup> EU Directive and the necessary amendments to the anti-money laundering legislation, had regular meetings. Amendments to the anti-money laundering legislation are being prepared through a wide industry consultation. Secondary legislation is in preparation, covering CFT reporting obligations follow-up, harmonisation with FATF standards and the introduction of administrative penalties which could be imposed by the FIU without recourse to courts.
62. Monaco: work in on-going to amend the legislation and a working group was set up at governmental level, with the participation of the private sector. New legislation was adopted by Parliament criminalising terrorism. The liability of legal persons was introduced and supplemented the 2002 Sovereign Order which dealt with the financing of terrorism. A number of bills were prepared and are expected to be adopted soon: an amendment to article 218 of the Criminal Code broadening the scope of the predicate offence for money laundering, a new draft Criminal Procedure Code covering provisions on special investigative techniques and witness protection, sovereign orders enacted to supplement the AML/CFT regime and implement FATF recommendations and the 3<sup>rd</sup> EU Directive, as well as new financial regulations.
63. Montenegro: amendments were adopted covering the on-site control provisions as well as the powers of the FIU to monitor financial institutions. A Memorandum of understanding was signed by the FIU with the Bulgarian FIU.
64. Poland: reported on the results of on-going ML cases - 20 freezing orders (around

4 million euros), 30 indictments to court, assets seized for an amount of 5 million euros, over 10 convictions obtained for money laundering. Technical cooperation projects were being implemented with Morocco and Algeria.

65. Romania: reported that the law on the ratification of CETS no. 198 is in Parliamentary procedure. The Criminal Code was amended and now includes provisions on confiscation as well as on the criminal liability of legal persons. In 2005, the Office of the Prosecutor General sent to courts 55 cases on money laundering (36 by the central unit and 20 by territorial units). In 2006, the central unit of the Office of the Prosecutor General sent 12 cases to courts. The major evolution was that new rules for the organisation of the FIU were adopted by Government decision n° 531 of March 2006. The number of staff rose from 84 to 120. In the new structure, a special directorate on methodology and control was set up, which is in charge of elaborating norms and secondary legislation. The FIU signed 3 new MoUs with Cyprus, Liechtenstein and Luxembourg.
66. Russian Federation: reported two key events, namely the ratification of the UN Convention against corruption as well as the Council of Europe Convention on the prevention of terrorism. The number of investigation rose, 7461 cases were registered in 2005 (4 times higher than in 2004) and 3172 cases in the first half of 2006. In 2005, an organised crime group was sentenced to 10 years for money laundering and a total of 1274 persons were convicted. As regards the number of cases sent to court, there were 6736 in 2005 and 2710 cases in the first half of 2006.
67. Serbia: new legislation was passed and a separate offence on terrorist financing was introduced with the adoption of the new Criminal Code. The Law on preventive measures for terrorist financing was prepared and its adoption is expected to take place within the next two months. The new Criminal Procedure Code was adopted recently; the public prosecutor is now in charge of investigations and no longer the investigative judge. The Law on Banks entered into force. Secondary implementing legislation of the AML Act was issued on 5 July 2006; by-laws were adopted for the Acts on Police and on witness protection.



68. Slovak Republic: Since January 2006, the Bank of Slovakia has supervisory powers for all financial markets (banks, securities market participants, insurance, pension funds). An amendment to the banking law entered into force addressing the beneficial ownership identification. The new Criminal Code and new Criminal Procedure Code are in force as of January 2006. The Parliament rejected the draft law introducing the concept of corporate criminal liability. A new working group was created under the Ministry of Interior, in charge of considering the implementation of the 3<sup>rd</sup> EU Directive and the preparation of implementing legislation by September/October 2006.
69. Slovenia: a new Law on prevention of money laundering is expected to be prepared before the end of 2006. A study was commissioned to address threats to the non-profit sector and to prepare legislative changes on oversight and transparency of non profit organisations. Legislative texts are in Parliament for the ratification of the UN Convention on Corruption and the revised Strasbourg Convention.
70. “The former Yugoslav Republic of Macedonia”: the FIU is now connected to several databases (including Customs, Public revenue Office, etc). IT equipment was received through the CARDS programme and the implementation of new software for electronic processing of data is on-going. A new twinning project under CARDS 2005 was signed with the Spanish Institute for Fiscal Studies. The FIU signed two MoUs with Moldova and Luxembourg; and other MoUs with anti-terrorist units are under procedure. The review of the AML law is on-going and the draft law on Financial Police is in the first reading in Parliament. At the end of 2006, an analysis will be carried out to prepare changes to the Criminal Code and Criminal Procedure Code. In the first half of 2006, 16 persons were being investigated for tax evasion and 8 for tax evasion and money laundering. Two new legislative acts were adopted: one on the Academy for training of judges and prosecutors (the Academy was set up in March 2006) and the Law on Courts (May 2006). The latter envisaged the set up of special units on serious forms of organised crime, money laundering and anti-corruption.

*Item 21 and 22 - Discussion on the draft third mutual evaluation report on Moldova*

71. The Secretariat recalled that the adoption of this report had been postponed at the 18<sup>th</sup> Plenary meeting. The Committee had invited examiners to review their conclusions, in particular on recommendation 5, Special Recommendation III, and had requested to have a version in English of the report.
72. The updated text was submitted for discussion. The examiners briefly presented their conclusions. The Review Group experts considered that the draft report still lacked details to accurately assess the evaluation and ratings of some recommendations. Views expressed the need to further clarify the text, in particular in relation to the criteria of R 5, the insurance and securities sector,

PEPs, R 8, SR VII. Considering that it would be unfair to take a decision on non-compliance based on the lack of information, the question on the possibility of supplementing the information available in the draft report was raised.

73. The Secretariat proposed that on the basis of the discussion, a questionnaire should be drawn up, identifying the gaps in the report, and could be sent to the Moldovan authorities for completion. Depending on the information provided, as necessary, the Secretariat could arrange an update mission to clarify the outstanding issues, comprising a Secretariat member on behalf of the examiners team or a Secretariat member accompanied by an expert, following which a revised report would be submitted to the Plenary.
74. The Moldovan representatives expressed their consent to such a proposal and to the possibility of having an on-site updating visit. This proposal was endorsed by the Plenary, and the Secretariat would consider how to reflect any new information in the report. The Committee members and observers were invited to submit in writing to the Secretariat by the end of July any questions which were not covered during discussions which they would like to see reflected in the questionnaire.

Item 26 - Preliminary reflections on the introduction of the Ad Hoc Group of Experts mechanism

75. This discussion took stock of the first experience of this mechanism. The Secretariat pointed out that currently it was not envisaged to circulate to the Plenary the experts' comments but that this could be considered in the future, if need be. In addition, the Ad Hoc Group of Experts could be given direction on parts of the report which they should look at in particular.
76. One examiner suggested including the Ad Hoc Group of experts in the preparatory meetings or otherwise holding a separate meeting of examiners and Expert Group members before the Plenary meeting. Views expressed included the need to maintain a certain flexibility in the interaction between the Ad Hoc Group and the evaluators, but bearing in mind that the input of the Ad Hoc Group would be particularly required within the Plenary meetings, rather than during preparatory meetings. It was considered that the working methods should not become too bureaucratic and that the Group should primarily have a consultative function. Its role should not be confused with the role of the evaluators and it should not become the evaluator of the evaluators.
77. The Plenary concluded that the main functions of the Ad Hoc Group of Experts was to advise on consistency of reports, focus the attention of the Plenary on selected issues and provide advice during the Plenary discussions. It agreed that this mechanism should continue to be used during the next two Plenary meetings, following which a decision on how to formalise it could be taken. The Chairman concluded that a change of name could be considered to reflect the expert group's

functions.

Item 28 - Further collaboration with Asia/Pacific Group (APG)

78. The Secretariat informed the Plenary about the informal interest of the Asia Pacific Group (APG) in becoming an observer to MONEYVAL with them offering a reciprocal status to MONEYVAL. The benefit deriving from this would be an open sharing of documents, draft reports and policy papers. It was understood the APG would not envisage regular attendance at MONEYVAL.
79. Rather than considering requesting a further change of the terms of reference of MONEYVAL simply for the APG, it was proposed to consider opening the possibility of observer status to any FSRB which had achieved associate member status of FATF, which was thought to be within the spirit of latest developments within FATF. The Secretariat would consult internally within the Council of Europe on this issue.

Item 29 - Tour de table on international co-operation and other issues

80. The reference document for this discussion was the FATF paper Plen/39 rev1 (which was circulated). The paper was scheduled to be adopted at the next FATF meeting. The Secretariat recalled that this issue had been discussed in earlier MONEYVAL plenaries and that the previous Chairman had written to the French Presidency of FATF on this subject. It was reminded that the developing FATF *tour de table* process is aimed at identifying countries with perceived problems in international co-operation.
81. In the context of FATF and MONEYVAL, it was considered that if a problem in AML/CFT international cooperation (or other relevant AML/CFT issue) is raised by any jurisdiction (FATF or MONEYVAL) in respect of a MONEYVAL country and a solution could not be found bilaterally, MONEYVAL should be given the opportunity of resolving the issue through its own mechanisms before involving an FATF procedure.
82. The Plenary supported the view that MONEYVAL, as an FSRB, should be involved at an early stage. It decided that a letter in this respect should be sent by the President of MONEYVAL to the FATF before the final adoption of the paper.

Item 30 - Future MONEYVAL Progress reports – discussion of Secretariat template for future Progress reports

83. A new template for progress reports was presented to the Plenary and discussed. The new format of the progress report would refer in particular to changes/improvements since the last evaluation made in respect of FATF key recommendations, regardless of their rating, as well as to other recommendations when rated 'partially compliant' or 'non compliant'. Additional specific questions could be included and a new format for reporting on statistics was proposed. The Secretariat advised that the country specific questionnaire based on this template would be sent to countries five weeks before the Plenary, and that they should be returned to the Secretariat at least two weeks before the Plenary.
84. The Plenary endorsed the new template with minor changes. It agreed that the progress report for Serbia will continue to use the old template version.

Item 31 - Further consideration of evaluators for 2006 on-site visits and lists of evaluators requiring training

85. The Secretariat informed that so far 32 nominations for training were received, while the budget which is being sought for 2007 proposes training for around 20 persons. Decisions on numbers which can be trained will be taken in the light of final budgetary decisions.

Item 32 - Finance and Staffing

86. See item 4. The Secretariat informed the Committee that discussions are under way for a further secondment. In the overall context of the Council of Europe, MONEYVAL continues to be considered a priority area. The budget for 2007 is being submitted and provision is being sought for 4 plenary meetings, one training and the typologies meeting. Also a separate budget for pre-meetings is foreseen. The funding of country delegations attending FATF meetings will be covered by member States attending these meetings and not by the Council of Europe.

Item 33 – Miscellaneous

87. The Plenary was informed at the conclusion of the meeting after consultation with Bureau members that it was very likely that there would be two places for the Vancouver Plenary from non Bureau countries which can be filled by other delegations, at their own expense. Nominations were again invited (in writing).

88. Head of Delegations were also invited to consider participants for the typologies working group and nominate experts (not necessarily from delegates who regularly attend MONEYVAL meetings) from the FIU, supervisory bodies, law enforcement who could provide valuable contributions.
89. It was agreed that at the 20<sup>th</sup> Plenary meeting the 3<sup>rd</sup> round reports of Slovakia and Latvia would be considered, and that progress reports would be received from Serbia, Slovenia and Hungary.

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